

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

UNITED STATES OF AMERICA, *et al.*,

Plaintiffs,

v.

JETBLUE AIRWAYS CORPORATION and
SPIRIT AIRLINES, INC.,

Defendants.

Civil Action No. 1:23-cv-10511-WGY

**DECLARATION OF EDWARD W. DUFFY IN SUPPORT OF PLAINTIFFS’
MOTION IN LIMINE REGARDING PURPORTED OUT-OF-MARKET BENEFITS**

I, Edward W. Duffy, pursuant to 28 U.S.C. 1746, hereby declares as follows:

1. I am an attorney with the Antitrust Division of the United States Department of Justice, and counsel of record for the United States in this case. I have personal knowledge of the matters recited herein, and if called upon to testify, I could and would testify competently thereto.

2. Attached as Exhibit A is a true and correct copy of Defendant JetBlue Airways Corporation’s Responses and Objections to Plaintiffs’ First Set of Interrogatories. Exhibit A contains redactions of certain information marked confidential that does not bear on the instant motion.

3. Attached as Exhibit B is a true and correct copy of Defendant Spirit Airlines, Inc.’s Responses and Objections to Plaintiffs’ First Set of Interrogatories. Exhibit B contains redactions of certain information marked confidential that does not bear on the instant motion.

4. Attached as Exhibit C is a true and correct copy of the cited portions of the Transcript of the Deposition of Ms. Sara Nelson, dated June 20, 2023.

5. Attached as Exhibit D is a true and correct copy of the cited portions of the Expert Report of Dr. Nicholas Hill. Exhibit D is currently filed with redactions subject to the Court's Order on the Parties' Joint Motion to Impound. It also redacts certain information marked highly confidential that does not bear on the instant motion.

6. Attached as Exhibit E is a true and correct copy of the cited portions of the Second Amended Expert Report of Mr. Richard Scheff. Exhibit E is currently filed under seal subject to the Court's Order on the Parties' Joint Motion to Impound.

7. Attached as Exhibit F is a true and correct copy of the cited portions of the Transcript of the Deposition of Dr. Nicholas Hill, dated September 6, 2023.

I declare under penalty of perjury the foregoing is true and correct.

Executed on September 11, 2023 in Annapolis, Maryland.

/s/ Edward W. Duffy
Edward W. Duffy